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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/654,998	08/31/2000	Cameron Gene O'Rourke	007.0157.01	7083
29989	7590	09/08/2004		
HICKMAN PALERMO TRUONG & BECKER, LLP 1600 WILLOW STREET SAN JOSE, CA 95125				
			EXAMINER SCHLAIFER, JONATHAN D	
			ART UNIT 2178	PAPER NUMBER

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/654,998

Applicant(s)

O'ROURKE ET AL.

Examiner

Jonathan D. Schlaifer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 25-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to communications: Amendment of 09/654,998, filed on 5/27/2004.
2. Claims 25-49 are pending in this case. Claims 25, 37, and 49 are independent claims. Claims 25-49 are new claims. Claims 1-24 have been cancelled.

#### ***Claim Objections***

3. Claim 29 objected to because of the following informalities: On line 7 of the claim “extended markup language” should be “extensible markup language”. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. **Claims 25-49 are rejected under 35 U.S.C. 102(a) as being anticipated by Ladd, Eric, et al. Using HTML 4, XML, and Java 1.2. 1999, Que. Platinum Edition, hereinafter Ladd.**
5. **Regarding independent claim 25**, Ladd discloses a method for generating web pages (ASP, on pages 850-851, is a method for generating web pages), comprising: receiving a request for a requested web page (this is inherent to normal web browsing); in response to said request, retrieving a preconstructed web page that corresponds to said request for said requested web page (a preconstructed web page is presented on page 851, which

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would normally be delivered), wherein: said preconstructed web page was created prior to receiving said request (this is inherent to the definition of preconstructed), said preconstructed web page is written in a tag-delimited page description language (it is written in ASP and HTML), and said preconstructed web page includes an identifier that is located at a position between a pair of tags within said preconstructed web page (the ASP identifiers are placed between HTML tags); in response to said request, modifying said preconstructed web page to produce said requested web page by causing a program to perform the steps of: removing said identifier from said preconstructed web page (ASP performs this substitution), and inserting replacement content at said position in said preconstructed web page (ASP performs this substitution); providing said requested web page in response to said request (ASP provides the web page to the browser).

6. **Regarding dependent claim 26**, Ladd discloses the method as recited in Claim 25, wherein removing said identifier and inserting said replacement content further includes substituting replacement text for said identifier in said preconstructed web page (ASP performs this substitution, as per 850-851).
7. **Regarding dependent claim 27**, Ladd discloses the method as recited in Claim 25, wherein: said identifier is a first identifier and said position is a first position; said preconstructed web page includes a second identifier that is located at a second position between another pair of tags within said preconstructed web page (page 852 shows multiple identifiers in between multiple tags; and said preconstructed web page includes first code that corresponds to a first display region that includes said first identifier and second code that corresponds to a second display region that includes said second

identifier (the ASP script on page 852 corresponds the identifiers with multiple result web pages); and modifying said preconstructed web page to produce said requested web page further comprises causing said program to arrange said first code that corresponds to said first display region and said second code that corresponds to said second display region in said requested web page based on an ordering of said first position and said second position in said preconstructed web page (the ordering of the identifiers in the ASP script determines which will be displayed on page 852).

8. **Regarding dependent claim 28**, Ladd discloses the method as recited in Claim 25, wherein: said program is a first program, said identifier is a first identifier, and said position is a first position (these elements are present in the ASP-script page on page 852); said preconstructed web page includes a second identifier that is located at a second position between another pair of tags within said preconstructed web page (there is a second identifier on page 852; first being User\_ID and second being nba\_Online); and said preconstructed web web page includes first code that corresponds to a first display region that includes said first identifier and second code that corresponds to a second display region that includes said second identifier (there is conditional code on page 852 dealing with different identifiers); modifying said preconstructed web page to produce said requested web page further comprises causing said program to arrange said first code that corresponds to said first display region and said second code that corresponds to said second display region in said requested web page based on an ordering specified by a second program (the ordering of the identifiers in the ASP script determines which will be displayed on page 852).

9. **Regarding dependent claim 29**, Ladd discloses the method as recited in Claim 25, wherein: said identifier is a marker; said position is a relative position; said preconstructed web page is a template; said replacement content is dynamic content; and said tag-delimited page description language is selected from the group consisted of hypertext markup language (HTML) and extensible markup language (XML) (These limitations are all inherent to the nature of ASP and the specific scripts as presented on pages 850-852).
10. **Regarding dependent claim 30**, Ladd discloses the method as recited in Claim 25 further comprising: parsing said preconstructed web page to generate a hierarchical representation of said preconstucted web page, wherein said hierarchical representation is based on a structure of said preconstructed web page; and based on said hierarchical representation, processing said preconstructed web page to locate said identifier. However, HTML and ASP pages are inherently processed this way by standard browsers, and hence, the limitations of this claim are met by the ASP pages presented by Ladd on pages 850-852.
11. **Regarding dependent claim 31**, Ladd discloses the method as recited in Claim 25, wherein: said preconstructed web page defines a plurality of display regions; and code that corresponds to one display region of said plurality of display regions includes said identifier (The code on page 852 of Ladd defines how web pages' display are correlated to ASP identifiers).
12. **Regarding dependent claim 33**, Ladd discloses the method as recited in Claim 25, wherein: said program is a hypertext template engine; and a controller program performs

the step of modifying said preconstructed web page to produce said requested web page by causing said hypertext template engine to perform the steps of removing and inserting.

13. **Regarding dependent claim 34**, Ladd discloses the method of Claim 33, wherein said controller program modifying said preconstructed web page to produce said requested web page by causing said hypertext template engine to perform the steps of removing and inserting further comprises: said controller program making a substitution call to said hypertext template engine, wherein said substitution call specifies said identifier and said replacement content.

14. **Regarding dependent claim 35**, Ladd discloses the method as recited in Claim 25, wherein: said identifier is a first identifier, said position is a first position, and said replacement content is first replacement content, said preconstructed web page includes a second identifier that is located at a second position between another pair of tags within said preconstructed web page; and modifying said preconstructed web page to produce said requested web page further comprises causing said program to substitute second replacement content for said second identifier in said preconstructed web page.

15. **Regarding dependent claim 36**, Ladd discloses the method as recited in Claim 25, wherein: said identifier is a first occurrence of said identifier; said position is a first position, said preconstructed web page includes a second occurrence of said identifier that is located at a second position between another pair of tags within said preconstructed web page; and modifying said preconstructed web page to produce said requested web page further comprises causing said program to perform the steps of: removing said second occurrence of said identifier from said preconstructed web page,

and inserting said replacement content at said second position in said preconstructed web page.

16. **Regarding independent claim 37**, it is a computer-readable medium with encoded instructions for carrying out the method of claim 25, and it is rejected under similar rationale.

17. **Regarding dependent claim 38**, it is a computer-readable medium with encoded instructions for carrying out the method of claim 26, and it is rejected under similar rationale.

18. **Regarding dependent claim 39**, it is a computer-readable medium with encoded instructions for carrying out the method of claim 27, and it is rejected under similar rationale.

19. **Regarding dependent claim 40**, it is a computer-readable medium with encoded instructions for carrying out the method of claim 28, and it is rejected under similar rationale.

20. **Regarding dependent claim 41**, it is a computer-readable medium with encoded instructions for carrying out the method of claim 29, and it is rejected under similar rationale.

21. **Regarding dependent claim 42**, it is a computer-readable medium with encoded instructions for carrying out the method of claim 30, and it is rejected under similar rationale.



22. **Regarding dependent claim 43**, it is a computer-readable medium with encoded instructions for carrying out the method of claim 31, and it is rejected under similar rationale.
23. **Regarding dependent claim 45**, it is a computer-readable medium with encoded instructions for carrying out the method of claim 33, and it is rejected under similar rationale.
24. **Regarding dependent claim 46**, it is a computer-readable medium with encoded instructions for carrying out the method of claim 34, and it is rejected under similar rationale.
25. **Regarding dependent claim 47**, it is a computer-readable medium with encoded instructions for carrying out the method of claim 35, and it is rejected under similar rationale.
26. **Regarding dependent claim 48**, it is a computer-readable medium with encoded instructions for carrying out the method of claim 36, and it is rejected under similar rationale.
27. **Regarding dependent claim 49**, it is a computer-readable medium with encoded instructions for carrying out the method of claim 24, and it is rejected under similar rationale.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

28. **Regarding dependent claim 32**, Ladd discloses the method as recited in Claim 31,

wherein: said identifier is a first identifier, said position is a first position, and said code that corresponds to one display region is first code that corresponds to a first display region (User\_ID takes this role on page 852); said preconstructed web page includes said first code that corresponds to said first display region that includes said first identifier (User\_ID is used for validation, and invalid User\_ID values lead to an error screen); said preconstructed web page includes third code that corresponds to a third display region that includes no identifiers (the references to invalid.htm); the method further comprises: including said first code that corresponds to said first display region in said requested web page because said replacement content replaces said first identifier; and including said third code that corresponds to said third display region in said requested web page because said third code includes no identifiers (there are redirects to the invalid.html on 852 because identifiers are not chosen for redirects). However, Ladd fails to disclose that said preconstructed web page includes second code that corresponds to a second display region that includes a second identifier that is located at a second position between another pair of tags within said preconstructed web page; and not including said second code that corresponds to said second display region in said requested web page because no replacement content replaces said second identifier. However, it was notoriously well known in the art at the time of the invention that identifiers may be left out of templates and that they will not be replaced by anything because this is the intuitive, simplest thing to do. It would have been obvious to one of ordinary skill in the art at the time of the

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invention to leave an identifier out of the template because this is the intuitive, simplest thing.

29. **Regarding dependent claim 44**, it is a computer-readable medium with encoded instructions for carrying out the method of claim 32, and it is rejected under similar rationale.

***Response to Amendment***

30. Applicant's arguments with respect to claims 25-49 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPN 6,763,343 B1 (filing date 9/20/1999)—Brooke et al.

USPN 6,748,569 B1 (filing date 9/20/1999)—Brooke et al.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

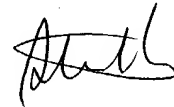
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan D. Schlaifer whose telephone number is 703-305-9777. The examiner can normally be reached on 8:30-5:00, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 703-308-5465. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS



**STEPHEN S. HONG**  
**PRIMARY EXAMINER**